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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Satoshi Yuzawa

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7590

11/01/2005

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EXAMINER

NEGRON, ISMAEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/862,997

Applicant(s)

YUZAWA ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on September 12, 2005 has been entered. Claim 16 has been amended. No claim has been cancelled. Claim 28 been added. Claims 16-28 are still pending in this application, with claims 16 and 28 being independent.

### ***Abstract***

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2. The abstract of the disclosure is objected to because it refers to purported merits of the invention. Correction is required. See MPEP § 608.01(b).

3. The Examiner respectfully suggests amending the abstract as follows:

ABSTRACT - A wood-based decorative article has a beautiful finish with grain enhanced by coloring or dyeing. A coated veneer sheet of sliced wood is prepared by bonding a reinforcing member onto the coated veneer by an adhesive. Injection molding is carried out by injecting a molten synthetic resin onto a rear surface of the prepared veneer sheet, thereby integrating the veneer sheet and the synthetic resin with each other and at the same time molding the wood-based decorative article.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "65" has been used to designate both "*substrate*" (page 2, line 24) and "*opaque substrate*" (page 4, line 20). Correction is required as an "*opaque substrate*" is merely one of the many different substrates included in the general group "*substrate*" and, as such, involves a modification of the previously defined "*substrate*".

In addition, note the following:

- reference character "1" used to designate "*veneer*" (page 18, line 7) and "*dyed veneer*" (page 20, line 3);
- reference character "2" used to designate "*adhesive*" (page 18, line 9) and "*colored adhesive*" (page 20, line 4);
- reference character "65" used to designate "*design layer*" (page 31, line 24) and "*colored design layer*" (page 32, line 5); and
- reference character "44" used to designate "*reinforcing member*" (page 35, line 22) and "*colored reinforcing member*" (page 4, line 20).

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "31" has been used to designate different parts in different embodiments. See Figures 6-13, where different wood-based decorative articles are disclosed. The applicant is advised that, while all the elements currently designated by reference number 31 are in fact wood-based articles, it is also a fact that such articles are not one and the same, but separate and distinct embodiments of the instant invention (as admitted by the applicant in the brief description of figures 6-13).  
Correction is required.

In addition, note reference character "41" as used in Figures 14 and 15, where different wood-based decorative articles are disclosed.

6. The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g).

Applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the

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time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-18, 21, 24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over LENDERINK (U.S. Pat. 5,194,310).

8. LENDERINK discloses a decorative article having:

- **a wood veneer (as recited in claims 16 and 28), Figure 1, reference number 10;**
- **the veneer being light permeable (as recited in claims 16 and 28), column 5, lines 3-5;**
- **a substrate (as recited in claims 16 and 28), Figure 1, reference number 11;**
- **the substrate being formed of a transparent synthetic resin (as recited in claims 16 and 28), column 2, lines 58-60;**
- **the substrate being joined to a rear surface of the veneer (as recited in claims 16 and 28), column 2, lines 42-44;**
- **the substrate having rigidity (as recited in claims 16 and 28), inherent;**
- **a transparent reinforcing member (as recited in claims 17 and 28), Figure 1, reference number 12;**
- **the reinforcing member being interposed between the veneer and the substrate (as recited in claims 17 and 28), as seen in Figure 1;**

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- **at least one of the veneer and the reinforcing member being impregnated with a transparent synthetic resin (as recited in Claim 18), as evidenced by column 4, line 68;**
- **a light source (as recited in Claim 21), column 5, lines 1-5;**
- **the light source being located at a rear surface of the substrate (as recited in Claim 21), as evidenced by column 4, line 68;**
- **a display member (as recited in Claim 24), as evidenced by column 3, lines 59-68;**
- **the display member being provided on a front surface of the veneer (as recited in Claim 24), as evidenced by column 3, lines 59-68;**
- **the display member being for displaying predetermined information (as recited in Claim 24), as evidenced by column 3, lines 59-68;**
- **a topcoat (as recited in Claim 27), column 4, line 4; and**
- **the topcoat being applied to a front surface of the veneer (as recited in Claim 27), column 4, lines 3 and 4.**

9. LENDERINK discloses all the limitations of the claims, except the substrate having a thickness larger than that of the wood veneer (as recited in claims 16 and 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a substrate thicker than the wood veneer (as recited in claims 16 and 28), since it has been held by the courts that, where the only difference



between the prior art and the claims was a recitation of relative dimensions of the claimed device, and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984). It has been further held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945). In this case, selecting a given thickness for the substrate would have flown naturally to one of ordinary skill as necessitated by the given requirements of a particular application.

10. Claims 19, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over LENDERINK (U.S. Pat. 5,194,310) in view of LUNDBERG (U.S. Pat. 3,271,568).

11. LENDERINK discloses, or suggests, all the limitations of the claims (as detailed in sections 7-9, above), except a design layer for increasing variation of a design of the veneer, such design layer being arranged on at least one of the front and rear surfaces of the substrate (as recited in Claim 19), the design layer being removably attached to the rear surface of the substrate (as recited in Claim 20), or at least part of the substrate being formed of an opaque synthetic resin (as recited in Claim 26).

12. LUNDBERG discloses a decorative mural apparatus for windows, such apparatus having:

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- **a window shade**, Figure 1, reference number 10;
- **the window shade including a design layer**, Figure 2, reference number 26;
- **the design layer including a translucent substrate**, column 1, lines 60 and 61;
- **the translucent substrate including a design**, column 1, lines 63-66;
- **a light source**, Figure 2, reference number 27; and
- **the light source being for illuminating the design layer**, column 2, lines 40-43.

13. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the translucent wood veneer blinds of LENDERINK with the decorative mural apparatus of LUNDBERG, to obtain a device capable of providing the illusion of a desirable and pleasant view from any window, as per the teachings of LUNDBERG (see column 2, lines 60-68).

14. Regarding at least part of the substrate being formed of an opaque synthetic resin (as recited in Claim 26), the design layer 26 of LUNDBERG, being painted with design, was considered to include an opaque portion.

15. Claims 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over LENDERINK (U.S. Pat. 5,194,310) and MCMANIGAL (U.S. Pat. 5,253,051).

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16. LENDERINK discloses, or suggests, all the limitations of the claims (as detailed in sections 7-9, above), except the light source being variable in at least one of color and amount of emitted light (as recited in Claim 22), the light source including a light guide plate for providing an uniform light output (as recited in Claim 23), or at least one of a liquid crystal device (LCD) or a light emitting diode (LED) being provided on a rear surface of the substrate to provide a given indication (as recited in Claim 25).

17. MCMANIGAL discloses an artificial window device having:

- **a frame**, Figure 1, reference number 12;
- **the frame simulating a window**, column 2, lines 52-56;
- **video means**, Figure 1, reference number 10;
- **the video means being supported by the frame**, column 2, lines 67 and 68;
- **the video means being a LCD**, column 3, lines 65-66;
- **the video means presenting a predetermined scene**, column 3, lines 3-15.

18. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the translucent wood veneer blinds of LENDERINK with the artificial window device of MCMANIGAL, to further enhance the effect provided by such artificial window device by providing the "window" with the decorative blinds of LENDERINK, as per the teachings of MCMANIGAL (see column 5, lines 46 and 47).

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19. Regarding the light source being variable in at least one of color and amount of emitted light (as recited in Claim 22), the LCD video means of MCMANIGAL were considered to inherently meet such limitation.

20. Regarding the light source including a light guide plate for providing an uniform light output (as recited in Claim 23), it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use such light guide plate, since the Examiner takes Official Notice that light guide plates are not only old and well known in the art, but a standard feature of LCD light sources. One would have being motivated since light guide plates provide uniform illumination in a substantially flat and compact housing.

#### ***Relevant Prior Art***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Ohsumi et al.** (U.S. Pat. Nos. 5,264,062 and 5,338,592 and 6,129,985) disclose wood-based materials having translucent wood veneers attached to thicker transparent substrates.

#### ***Response to Arguments***

22. Applicant's arguments filed September 12, 2005 have been fully considered are moot in view of the new ground(s) of rejection.

**Conclusion**

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


24. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

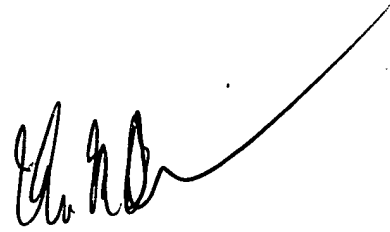
25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (571) 273-8300.

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26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

  
Ismael Negrón  
Examiner  
AU 2875  
October 29, 2005

  
THOMAS M. SEMBER  
PRIMARY EXAMINER